

EXHIBIT QQ

423

1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF WASHINGTON
 3 AT TACOMA

4 CLYDE RAYMOND SPENCER,

5 Petitioner,

6 v.

7 JOSEPH KLAUSER, Warden,
 8 Idaho State Institution;
 9 CHRISTINE GREGOIRE, Attorney
 General, State of Washington.

10 Respondent.

Docket No. C94-5238RJB

Tacoma, Washington
 September 6, 1996
 1:00 p.m.

11 VOLUME IV
 12 TRANSCRIPT OF TRIAL
 13 BEFORE THE HONORABLE ROBERT J. BRYAN
 UNITED STATES DISTRICT JUDGE.

14 APPEARANCES:

15 For the Petitioner:

PETER A. CAMIEL
 PETER MAIR
 Mair, Camiel & Kovach, P.S.
 710 Cherry Street
 Seattle, Washington 98104

18 For the Respondents:

JOHN J. SAMSON
 DONNA H. MULLEN
 Assistant Attorneys General
 Post Office Box 40116
 Olympia, Washington 98504-0116

21 Court Reporter:

Julaine V. Ryen
 Post Office Box 885
 Tacoma, Washington 98401-0885
 (206) 593-6591

24 Proceedings recorded by mechanical stenography, transcript
 25 produced by Reporter on computer.

1 consult with counsel with a reasonable degree of rational
2 understanding. His mental illness and the drugs he ingested did
3 not substantially impair his ability to make a reasoned choice
4 among the alternatives presented or to understand the nature and
5 consequences of his actions. He understood the nature of the
6 charges, the consequences of his plea, and he was able to assist
7 in his own defense. He evidenced at that time coherence and
8 rationality and a lack of psychosis. He did not exhibit unusual
9 behavior, and I think that he was legally competent and not
10 entitled to relief on that basis.

11 Mr. Spencer testifies here that he doesn't remember
12 anything. He doesn't remember a lot of things in this case, he
13 tells us, and, you know, I don't have a direct answer for that,
14 but certainly it is to his advantage not to remember, or to
15 choose not to remember those events. I'm not satisfied that I
16 really believe that he doesn't remember the entry of the plea.

17 Now, so far as the Brady issues are concerned, there are two
18 prongs of this. Of course, one is the first question, whether
19 the medical report or reports should have been turned over; and
20 second is the question of the effect of failure to turn those
21 over. I want to address the first question tonight.

22 Based on everything I've read in this file, I am afraid that
23 I've come to the conclusion that Mr. Davidson, formerly of the
24 Clark County Sheriff's Office, I guess -- or was that the
25 Vancouver police? The sheriff's office, I believe -- that he's

1 just not very credible, and I don't particularly believe what he
2 has told us. Ms. Krause doesn't recall this. Shirley Spencer,
3 in her affidavit, had a very vague recollection -- well, Shirley
4 Spencer didn't recall the part about the lad's medical report,
5 Exhibit 2. And Ms. Spencer, in regard to that, had some very
6 vague and unconvincing testimony about that medical report.

7 It's hard in considering Exhibit 2 to reconstruct what
8 happened and what are the probabilities about that report. I
9 sometimes have to look inward and see what I really think, and I
10 guess what I think about that is that I think that the sheriff's
11 office was aware that Matthew Hansen had been to a doctor for
12 this exam. I think he went as a result of the recommendation of
13 Detective Krause. I'm not at all sure, however, that the
14 sheriff's department had a report to hand over at that time. I
15 don't know at this point where this report came from or whether
16 they had it. I guess the evidence on that subject is
17 sufficiently cloudy, so my conclusion is that probably that
18 report was not in the hands of the sheriff's office or the
19 prosecution prior to the plea.

20 Clearly, however, Exhibit 1 was in the hands of the
21 sheriff's office. Clearly, they had an obligation, based on the
22 omnibus order, to hand that document over to the defense, and
23 they had that obligation -- if I can find the right exhibit;
24 Exhibit 32 -- they had that obligation clearly on the 25th of
25 January of 1985 and thereafter.

527

1 answer to this out as soon as I can.

2 THE DEFENDANT: Thank you, Your Honor.

3 (Recessed at 4:25 p.m.)

4

5

C E R T I F I C A T E

6

7 I certify that the foregoing is a correct transcript from
8 the record of proceedings in the above-entitled matter.

9

10

11

12

JULAINÉ V. RYEN

January 15, 1997

Date

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SER -195

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EXHIBIT RR

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3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

6 CLYDE RAYMOND SPENCER,
7
8 Petitioner,

ORIGINAL

9 v.

No. C94-5238 RJB

10 JOSEPH KLAUSER, Warden, Idaho
11 State Institution; CHRISTINE
12 GREGOIRE, Attorney General,
13 State of Washington,
Respondents.

14
15 DEPOSITION OF MICHAEL DAVIDSON

16 Taken on behalf of Petitioner

17 July 25, 1996

18
19 * * * *

20
21 BE IT REMEMBERED THAT, pursuant to Washington Rules of Civil
22 Procedure, the deposition of Michael Davidson was taken before
23 Kathleen L. Greene, on July 25, 1996, commencing at the hour of
24 10:00 a.m., the proceedings being reported at Attorney
General's Office, 500 W 8th Street, Suite 110, Vancouver,
Washington.

25 FREE WORD INDEXING WITH EVERY TRANSCRIPT

Naegeli & Associates
1-503-227-1544 1-800-528-3335

1 A. Not specifically. I was with Detective Krause
2 during portions of the interview of Billy Matt Hansen.

3 Q. Were you present with Detective Krause for portions
4 of one interview of Matt Hansen or more than one?

5 A. I don't know that I can be accurate with that.
6 There was probably more than one. Not all of that was
7 pertaining to Ray Spencer.

8 Q. Were you present during the interviews of either of
9 the other two children?

10 A. I don't believe I was present during those
11 interviews.

12 Q. Do you recall whether you prepared any report
13 involving the Spencer case?

14 A. I can't specifically recall preparing a report,
15 because I think most of my function was as a supervisor.

16 Q. Do you recall reviewing Detective Krause's reports
17 in this case?

18 A. Yes, I do.

19 (Exhibit No. 1 Marked for Identification.)

20 MR. CAMIEL: (Continued)

21 Q. I'm handing you what's been marked as Exhibit No. 1
22 to your deposition. If you could take a look at those pages
23 for a moment.

24 A. Okay.

25 Q. If you'd turn back to the first page of Exhibit 1,

1 the report?

2 A. Certainly not that I can recall.

3 Q. You've already referenced two interviews, or
4 attempted interviews, you've had with Ray Spencer. Did you
5 also have contact with Mr. Spencer after he was incarcerated
6 at the Clark County Jail?

7 A. Not to my recollection, no, sir.

8 Q. Do you recall whether you went up to the Clark
9 County Jail, ever, after Mr. Spencer was incarcerated, to
10 visit him?

11 A. No.

12 Q. When you indicate no, are you indicating that you
13 didn't go up there or that you don't recall?

14 A. I'm indicating that I didn't go up there.

15 Q. Did you ever tell anyone that you went up to the
16 Clark County Jail and visited with Ray Spencer?

17 MR. SAMSON: I'm going to have to object,
18 Peter, unless you can show how this is relevant to the issues
19 currently before the District Court. I don't believe it's
20 relevant. The Ninth Circuit has affirmed the denial of a
21 claim regarding force of plea and the alleged visits of
22 Sergeant Davidson at the Clark County Jail. And I don't
23 believe that it's relevant. So unless you can tie it to the
24 issues, I would object on the grounds of relevancy.

25 MR. CAMIEL: For the record, one of Mr.

1 Spencer's claims has to do with his competency. There have
2 been allegations that Mr. Davidson visited him in jail when
3 he was incarcerated. He did, therefore, if he did make such
4 visits, have the opportunity to observe Mr. Spencer's
5 demeanor and make judgements about his competency. And based
6 on that, these are relevant questions.

7 MR. CAMIEL: (Continued)

8 Q. Mr. Davidson, are you familiar with a person who was
9 working back at the Clark County Jail back in 1984, 1985,
10 named Linda Harper?

11 A. Not, specifically, no, sir.

12 Q. Do you recognize the name?

13 A. No, I don't.

14 Q. Okay. Did you ever tell Shirley Spencer that you
15 went to the Clark County Jail and visited with Mr. Spencer?

16 A. Certainly not that I recall.

17 Q. Do you know of any reason why you would tell her
18 that, if you did?

19 MR. SAMSON: I would object on the grounds
20 that it calls for speculation. Mr. Davidson has testified he
21 doesn't recall ever meeting Mr. Spencer, so how can he recall
22 a reason why he would have made a statement that he didn't
23 make.

24 A. I'll stand. I don't recall.

25 Q. I'm going to ask you to take a look at a portion of

1 a deposition. And for the record, this is the deposition of
2 Shirley Spencer taken on June 4 of this year, page 13,
3 beginning on line 20, going over to page 14, down to line 12.
4 And I've marked the area in yellow highlighting.

5 A. Okay.

6 Q. You've looked at the portion of Shirley Spencer's
7 deposition?

8 A. I have.

9 Q. Does that refresh your recollection, at all, as to
10 whether or not you ever went to the Clark County Jail and
11 visited Mr. Spencer?

12 A. It does not.

13 Q. You continue to maintain that you did not visit him
14 at the Clark County Jail?

15 A. To my recollection, I do not recall ever visiting
16 Mr. Spencer at all in the Clark County Jail.

17 Q. Do you recall ever being advised, by any members of
18 the Clark County Jail staff, to leave the jail and not to
19 visit Mr. Spencer anymore?

20 MR. SAMSON: I would object on the grounds
21 of relevancy, again. You indicated that the questions had to
22 do with the observations of Mr. Davidson of Mr. Spencer at
23 the jail. He's indicated that he doesn't recall being there.
24 Any statements the Clark County Jail staff may have made to
25 Mr. Davidson or may not have made to Mr. Davidson don't have

1 any relation to observations about Mr. Spencer's competency.
2 So I would object on the grounds of relevancy, unless you can
3 tie it in.

4 MR. CAMIEL: I think it's relevant. And
5 I'm going to ask him to answer.

6 A. I'm going to have to respond that, at this point, I
7 conclude it's not relevant to this deposition.

8 Q. Are you refusing to answer the question?

9 A. I believe I already answered it in terms that I
10 don't recall ever visiting Mr. Spencer in jail.

11 Q. All right. Do you recall ever going to the jail
12 with Mr. Spencer's retirement check from the Vancouver Police
13 Department and presenting him with the check and asking him
14 to endorse it?

15 A. I do not recall that, no.

16 Q. During the Ray Spencer investigation, did you become
17 aware that, at some point in time, Mr. Spencer had been
18 hospitalized for depression?

19 A. I don't recall that either, no.

20 Q. During the Spencer investigation, at any point, did
21 you become aware that Mr. Spencer was taking medication?

22 A. No, sir.

23 Q. When the sheriff's office prepared its files, was
24 there an index cover sheet that was used on the sheriff's
25 office files?

1 recall an incident like that, but I can't be positive.

2 Q. Do you recall whether or not any reports were
3 prepared concerning the interview with Matt Hansen regarding
4 being sexually abused by other police officers?

5 A. Without looking at the report file, no, sir.

6 Q. Did you have any contact with Mr. Spencer's
7 attorney, James Rulli, while the Spencer case was pending?

8 A. I recall Mr. Rulli being in the office and
9 discussing the case. I don't know whether I was personally
10 involved in that discussion or not.

11 Q. When you say "in the office", what office are you
12 talking about?

13 A. Clark County Sheriff's Department.

14 Q. Do you recall whether you had any contact with
15 Deputy Prosecutor Peters regarding the Spencer case?

16 A. I recall, yes.

17 Q. Do you recall what the nature of any discussions
18 were that you had with Mr. Peters?

19 A. There was a number of discussions with Mr. Peters
20 regarding this investigation. I can't recall specifically
21 the nature of each of those individual discussions.

22 Q. Do you recall whether any of the discussions
23 concerned any medical reports involving any of the children
24 in the Spencer case?

25 A. I have no specific recollection of that, no.

1

2

3 STATE OF OREGON)
4 COUNTY OF COLUMBIA) ss.

5

6 I, Kathleen Greene, court reporter and Notary
7 Public in and for the state of Oregon, do hereby certify:

8 That the witness named in the deposition, prior to
9 being examined, was by me first duly sworn;

10 That said deposition was taken before me at the
11 time and place therein set forth and was taken down by me in
12 shorthand and thereafter transcribed into typewriting under
13 my direction and supervision;

14 That said deposition is a true record of the
15 testimony given by the witness and of all objections made at
16 the time of the examination;

17 I further certify that I am neither counsel for
18 nor related to any party to said action, nor in any way
19 interested in the outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name and
21 affixed my seal this 31st day of July, 1996.

22

23

24

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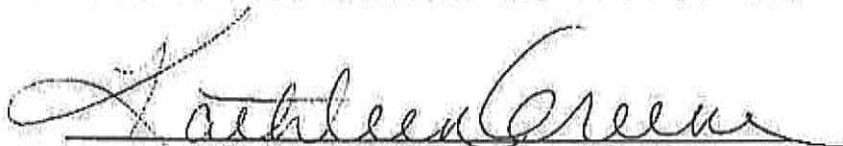

Notary Public in and for the
State of Oregon

EXHIBIT SS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAYMOND SPENCER,)	Docket No. C94-5238RJB
)	
Petitioner,)	Tacoma, Washington
)	September 3, 1996
v.)	9:30 a.m.
)	
JOSEPH KLAUSER, Warden,)	
Idaho State Institution;)	
CHRISTINE GREGOIRE, Attorney)	
General, State of Washington.)	
)	
Respondents.)	

VOLUME I
TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

For the Petitioner:	PETER A. CAMIEL Mair, Abercrombie, Camiel & Rummonds 710 Cherry Street Seattle, Washington 98104
For the Respondents:	JOHN J. SAMSON DONNA H. MULLEN Assistant Attorneys General Post Office Box 40116 Olympia, Washington 98504-0116
Court Reporter:	Julaine V. Ryen Post Office Box 885 Tacoma, Washington 98401-0885 (206) 593-6591

Proceedings recorded by mechanical stenography, transcript
produced by Reporter on computer.

COPY

1 JAMES M. DAVIDSON, PETITIONER'S WITNESS, SWORN OR AFFIRMED
2 DIRECT EXAMINATION

3 BY MR. CAMIEL:

4 Q. Could you please state your full name and spell your last
5 name.

6 A. James Michael Davidson. D-a-v-i-d-s-o-n.

7 Q. Mr. Davidson, are you currently employed?

8 A. No, I'm not.

9 Q. What was your last employment?

10 A. Clark County Sheriff's Department.

11 Q. How long were you with the Clark County Sheriff's
12 Department?

13 A. Twenty years.

14 Q. And during a part of that 20-year stint in the Clark County
15 Sheriff's Department, did you supervise detectives who
16 investigated child sex crimes?

17 A. I did.

18 Q. And were you Detective Sharon Krause's supervisor during the
19 Spencer case investigation?

20 A. Yes, I was.

21 Q. As supervisor, would you have reviewed Detective Krause's
22 reports?

23 A. In a general sense, yes.

24 Q. When you indicate "in a general sense," can you describe
25 what you mean by that?

1 Q. Do you know which index was turned over to the prosecuting
2 attorney's office?

3 A. I do not.

4 Q. Did you have contact with Mr. Spencer after he was arrested
5 and in the Clark County Jail?

6 A. Not that I recall, no.

7 Q. Do you recall whether or not you ever went up and visited
8 him at the Clark County Jail?

9 A. To my recollection, I never went and visited Mr. Spencer.

10 Q. Did you have any contact with Mr. Spencer by telephone once
11 he was under arrest and in the Clark County Jail?

12 A. To my recollection, no, sir.

13 MR. CAMIEL: Your Honor, that's all I have.

14 MR. SAMSON: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. SAMSON:

17 Q. Mr. Davidson, if you could look at Exhibit No. 24 in the
18 blue book.

19 A. Yes, sir.

20 Q. Is it true there are only nine sections referenced in that
21 exhibit?

22 A. That's correct, yes.

23 Q. Could you look at Exhibit No. 25.

24 A. Yes, sir.

25 Q. Is there actually 18 sections referenced?

1 had occurred on that day?

2 A. Not really. There were parts in it that I'm assuming it's
3 correct. There's parts in it I don't remember.

4 Q. After the sodium amytal interview, were you continuing to
5 take the other prescribed medication?

6 A. Yes.

7 Q. Did you continue to take medication after your plea?

8 A. Yes.

9 Q. For how long?

10 A. Till I reached the state penitentiary.

11 Q. And how long after you were in the state penitentiary did
12 you continue to take medication?

13 A. Probably for a week. Something like that.

14 THE COURT: Counsel, it's 3:30 -- 4:30. We will pick
15 this up again at 1:30 tomorrow afternoon.

16 Thank you. You may step down.

17 (Witness excused.)

18 C E R T I F I C A T E

19 I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

20 _____
21 JULAINE V. RYEN

22 January 8, 1997
23 Date
24
25

EXHIBIT TT

Redrafted Declaration of Kathleen T. Zellner
In Support of Plaintiff's Redrafted Responses to
Defendants' Renewed/Second Motions for Summary Judgment
(C11-5424BHS)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAYMOND SPENCER,)	Docket No. C94-5238RJB
)	
Petitioner,)	Tacoma, Washington
)	September 3, 1996
v.)	9:30 a.m.
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JOSEPH KLAUSER, Warden,)	
Idaho State Institution;)	
CHRISTINE GREGOIRE, Attorney)	
General, State of Washington.)	
)	
Respondents.)	

VOLUME I
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For the Respondents:	JOHN J. SAMSON DONNA H. MULLEN Assistant Attorneys General Post Office Box 40116 Olympia, Washington 98504-0116
Court Reporter:	Julaine V. Ryen Post Office Box 885 Tacoma, Washington 98401-0885 (206) 593-6591

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COPY

1 THE COURT: I might have questions for you, in
2 addition.

3 Do you understand that?

4 THE WITNESS: Yes, sir.

5 THE COURT: And have you discussed with Mr. Camiel
6 whether it's appropriate for you to testify in this case?

7 THE WITNESS: Yes, sir, I have.

8 THE COURT: And you're satisfied with those
9 discussions?

10 THE WITNESS: Yes, sir.

11 THE COURT: And you're satisfied he understands his
12 rights in regard to testifying here, Mr. Camiel, and it is
13 appropriate for him to testify?

14 MR. CAMIEL: Yes, Your Honor.

15 THE COURT: You may proceed.

16 DIRECT EXAMINATION

17 BY MR. CAMIEL:

18 Q. State your full name.

19 A. Clyde Ray Spencer, S-p-e-n-c-e-r.

20 Q. Mr. Spencer, you're currently being held at McNeil Island,
21 but immediately before that where were you incarcerated?

22 A. At the Idaho Corrections Institution, Idaho.

23 THE COURT: Where is that?

24 THE WITNESS: The Idaho Correctional Institution.

25 THE COURT: Where is that?

1 A. Yes, I did.

2 Q. Who were some of the people that visited you while you were
3 at the jail?

4 A. Joan Wilson, Leo Clark. Some of the police officers came
5 and visited.

6 Q. Were you visited by Sergeant Davidson?

7 A. Yes.

8 MR. SAMSON: Objection, Your Honor. That's
9 irrelevant. That claim was dismissed by the Ninth Circuit.

10 MR. CAMIEL: Your Honor, I'm not raising that with
11 regard to the coercion claim but with regard to the competency
12 claim.

13 THE COURT: The answer may stand.

14 A. Yes, I was.

15 Q. (By Mr. Camiel) Did he visit you as a personal friend?

16 A. No, he did not.

17 Q. When Sergeant Davidson would come up and visit you, in what
18 part of the jail would he have contact with you?

19 A. Face to face in the medical unit.

20 Q. Do you have a recollection of how long after you were in the
21 jail that Sergeant Davidson began coming up to see you?

22 A. Almost immediately.

23 Q. When he came up to see you, do you recall what his reason
24 was?

25 MR. SAMSON: Objection, Your Honor. It calls for

1 speculation as to the reason for the alleged visit.

2 THE COURT: I don't know if you're asking him --

3 MR. CAMIEL: What was discussed.

4 THE COURT: -- what was his opinion or what Davidson
5 said.

6 Q. (By Mr. Camiel) What did Davidson say when he came up to
7 see you?

8 MR. SAMSON: I would object on the ground that it calls
9 for hearsay, Your Honor.

10 THE COURT: I gather this is not offered for the truth
11 of what Davidson said but rather for the effect it may have had
12 on Mr. Spencer?

13 MR. CAMIEL: Exactly.

14 THE COURT: He may answer, with that limitation.

15 A. The majority of the time Sergeant Davidson would come to the
16 jail he would remove me from that area, take me down and
17 interrogate me down in his office or one of the interrogation
18 rooms of the sheriff's department itself.

19 Q. (By Mr. Camiel) Was he accompanied by anyone else?

20 A. At times with Detective Krause.

21 Q. What did they tell you? What did Sergeant Davidson tell
22 you?

23 MR. SAMSON: Objection. Hearsay, Your Honor.

24 THE COURT: He may answer, but it's the same
25 limitation.

1 A. Sergeant Davidson continued to attempt to get me to plead
2 guilty. He alleged the damage that was going to be done to my
3 children if I made them testify. On a number of occasions, his
4 purpose for removing me from the jail and taking me to the
5 sheriff's department was to have me meet with my current wife at
6 the time in an effort to get me to sign over documents, power of
7 attorney, quitclaim deed to my house, my retirement check, etc.

8 Q. (By Mr. Camiel) Did there ever come a point in time
9 where -- let me ask you:

10 What was the tenure of the discussion with Sergeant
11 Davidson? Was it calm?

12 A. Initially I would say that he acted in a fairly professional
13 manner. As time for trial became closer, however, he became
14 very abrasive, to the point that it almost had physical
15 confrontation. At one point he stated that "Your wife used to
16 love you." When I asked him what he knew about my wife, he
17 quickly walked out of the jail.

18 Q. Did you ever attempt to refuse to meet with Sergeant
19 Davidson?

20 A. Yes, I did.

21 Q. Were you successful in refusing to meet with him?

22 A. Closer to the end, because his behavior became so bizarre
23 that the other jailers noted it, too. And at one point when he
24 was going to remove me from the jail, I asked that the jailer in
25 charge contact the sergeant in charge of the jail, which he did.

1 Q. Were Davidson's visits upsetting to you?

2 A. Yes, they were. Extremely.

3 Q. Did there come a point in time where you discussed with Mr.
4 Rulli pleading guilty?

5 A. No. I never discussed pleading guilty with Mr. Rulli. I
6 was not guilty.

7 Q. Was it your intent to go to trial?

8 A. Yes, it was. Most definitely.

9 Q. When Mr. Rulli told you that he hadn't a defense prepared,
10 what occurred after that meeting?

11 A. Was this the first time, approximately five weeks before,
12 or --

13 Q. Was there another time?

14 A. Yes. A couple of days before we were scheduled to go to
15 trial.

16 Q. What happened at that meeting?

17 A. Again, Mr. Rulli indicated that he had no defense to the
18 charges. He had no witnesses that he could call or any solid
19 evidence that he could put on that would refute the state's
20 case.

21 Q. Mr. Spencer, you've got a notebook in front of you. I would
22 like you to turn to tab number 1.

23 Do you remember the first time you ever saw this document?

24 A. The first time I ever saw this document was a couple of
25 months ago.

1 had occurred on that day?

2 A. Not really. There were parts in it that I'm assuming it's
3 correct. There's parts in it I don't remember.

4 Q. After the sodium amytal interview, were you continuing to
5 take the other prescribed medication?

6 A. Yes.

7 Q. Did you continue to take medication after your plea?

8 A. Yes.

9 Q. For how long?

10 A. Till I reached the state penitentiary.

11 Q. And how long after you were in the state penitentiary did
12 you continue to take medication?

13 A. Probably for a week. Something like that.

14 THE COURT: Counsel, it's 3:30 -- 4:30. We will pick
15 this up again at 1:30 tomorrow afternoon.

16 Thank you. You may step down.

17 (Witness excused.)

18 C E R T I F I C A T E

19 I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

20 _____
21 JULAINE V. RYEN

22 January 8, 1997
23 Date
24
25

EXHIBIT UU

DECLARATION OF LINDA HARPER

I, Linda Harper, make the following statement under penalty of perjury:

1. I was employed at the Clark County Jail in the medical unit as a medical officer in 1985 when Clyde Ray Spencer, former Vancouver City Police Officer, was an inmate there.

2. Clyde Ray Spencer was kept in the medical unit of the jail.

3. I specifically recall Clyde Ray Spencer because he was one of only two inmates in the medical unit at the time.

4. I was aware that he was taking several medications at the time that he was incarcerated, but I don't recall exactly what medicines he was being given.

During the time that Clyde Ray Spencer was an inmate, I recall that police officers would could up to interview him. At times, he was taken from the jail down to the Sheriff's office.

5. I recall that there was one police officer in particular, whose name I cannot recall, who came to see Mr. Spencer on a number of occasions.

6. I remember that Clyde Ray Spencer did not want to see this officer and at times, Mr. Spencer refused to come out. I remember that there was a problem with this officer continually coming to the jail to see Ray Spencer and I remember that a complaint was made by Mr. Spencer to try to keep the officer from continually coming to see him. I remember that after the visits with the officer, Clyde Ray Spencer would be upset.

7. With regard to Clyde Ray Spencer's demeanor, I remember that he was very, very down. He was quiet and mellow and non-excitabile.

Declaration of Linda Harper - 1

Spencer003540

10. I recall Mr. Spencer telling me after he had been taken from the jail to see a doctor to have a truth serum or sodium amytal test performed, that he had passed the test and that there was no evidence that he was guilty.

Lynda Harper
Lynda Harper

EXHIBIT VV

03/11/2008 08:05 3108378600

ONE STOP SERVICES

PAGE 01/02

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON KRAUSE,
and SERGEANT MICHAEL DAVIDSON,

Defendants.

No. C11-5424BHS

DECLARATION OF CLYDE
RAY SPENCER

Pursuant to 28 U.S.C. § 1746, Clyde Ray Spencer declares under penalty of perjury under the laws of the State of Illinois and the United States of America that the following is true and accurate:

1. My name is Clyde Ray Spencer. I am the Plaintiff in the above-captioned matter. I have direct and personal knowledge of the facts stated in this declaration, and will testify to them if called upon to do so.

2. I have reviewed a photocopy of the check issued to me by State of Washington dated February 20, 1985 in the amount of \$12,994.51. I have also reviewed a photocopy of the

DECLARATION OF CLYDE RAY SPENCER
(C11-5424BHS) — 1

Kathleen T. Zollner & Associates, P.C.
LAW OFFICES
1901 Bushfield Road
Suite 650
Tacoma, WA 98404

Spencer006056

03/11/2008 08:05 3108378608

ONE STOP SERVICES

PAGE 02/02

1 back of the check which has a signature of "Clyde R. Spencer." A true and correct copy of the
2 front and back of the check I reviewed is attached as Exhibit A to this declaration.

3 3. The signature on the back of the check in Exhibit A is a forgery. I did not sign
4 the check, nor did I give anyone permission to sign my name.

5 4. I have also reviewed an "Affidavit of Forged Endorsement," a true and correct
6 copy of which is attached as Exhibit B to this declaration. I recognize my signature on the
7 affidavit.


8 5. I filled out and signed the Affidavit of Forged Endorsement on July 22, 1985,
9 after I learned that my name had been forged on the above-described check.

10 6. I have also reviewed a copy of a quitclaim deed purported to be signed by me as
11 Grantor for the property located at 17681 Lucia Falls Road in Yacolt, Washington dated March
12 15, 1985. A true and correct copy of the deed I reviewed is attached as Exhibit C to this
13 declaration.

14 7. The signature "Clyde Ray Spencer" is a forgery. I did not sign the deed, and I
15 did not have anyone permission to sign my name.

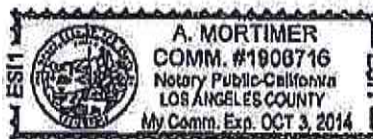
16 I declare under penalty of perjury that the foregoing is true and correct.

17 DATED this 12th day of December, 2012 in Downers Grove, Illinois

18 
19 Clyde Ray Spencer

20 Signed and Subscribed to Before Me
21 this 17th day of December, 2012

22 
23 _____
24 Notary Public



26
27
DECLARATION OF CLYDE RAY SPENCER
(C11-5424BHS) — 2

Kathleen T. Zellner & Associates, P.C.
LAW OFFICES
1901 Downfield Road
Downfield
PA 15110

Spencer006057



PIONEER NATIONAL
TITLE INSURANCE

AT&T COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

Carl F. Burkheimer Jr.

10011 N.W. 11th Ave.

Vancouver, Wa. 98666

THIS SPACE RESERVED FOR RECORD'S USE.

8509250154

Quit Claim Deed

TO HAVE SHIRLEY SPENCER, AS HER SEPARATE ESTATE.

For and in consideration of ASSUMPTION OF DEBT ONLY

convey and quit claim to CARL F. BURKHEIMER JR. and RUTH BURKHEIMER,
Husband and wife

the following described real estate, situated in the County of Clark

State of Washington including any interest therein which grantor may hereafter acquire

Beginning at a point in the center of the Vancouver-Yacolt Road at the intersection of said County Road and the East line of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, in Clark County, Washington; thence Easterly 75 feet, more or less, along said County Road; thence South to the North bank of the East Fork of the Lewis River; thence Westerly along the North bank of said River, 75 feet, more or less; thence North to the point of beginning; said tract to be 75 feet wide East and West.

ALSO, beginning at a point in the center of the County Road which is 75 feet East of the center line of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian; thence South to the North bank of the East Fork of the Lewis River; thence Easterly 25 feet, more or less, along the North bank of the River; thence North to the center of the County Road; thence West to the point of beginning. Said tract to be 25 feet wide at any point.

ALSO, beginning at a point located in the center of the Yacolt-Battle Ground Highway; said point being on the East line of that certain tract of land at this date owned by Roy Lane and described as follows:

All that portion of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, lying North of the East Fork of the Lewis River in Clark County, Washington; thence South to the North bank of said Lewis River; thence Westerly along the Lewis River 40 feet; thence North to the center of the above Yacolt-Battle Ground Highway; thence East 40 feet to the point of beginning.

EXCEPT County Roads.

ALSO, the West 15 feet, measured at right angles to the West line thereof, of that portion of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian in Clark County, Washington, described as follows:

Beginning at a point on the Southerly line of County Road No. 12 that is 1217.02 feet West of the East line of the Northwest quarter of said Section 18; said point being the Northwest corner of the Lawrence C. Larkin and Lilo L. Larkin tract, as described in deed recorded under Auditor's File No. G 553620; thence Westerly along the Southerly line of said County Road No. 12, a distance of 33 feet, more or less, to the Northeast corner of the Shirley J. Turley tract, as described in deed recorded under Auditor's File No. 7709290041; thence South along the East line of said Turley tract to the North bank of the East Fork of the Lewis River; thence Easterly along the North bank of said River to the West line of the said Larkin Tract; thence North along said West line, 99 feet, more or less, to the point of beginning.

EXHIBIT

C

Attached

70 RD FOR P. 1000
Carl C. Buckheimer
SEP 25 4 21 PM '85
ATTEST
DAVID HICKNER

Dated this

25th

day of September, 1985.

Shirley J. Spencer (SEAL)

(SEAL)

State of Washington,
Clark

0372

I, *Shirley J. Spencer*, personally appeared before me, *Shirley J. Spencer*,
the individual described in and who executed the within and foregoing instrument, and
she signed the same as her free and voluntary act and deed, for the
purpose therein mentioned.

Notary Public in and for the State of Washington,
this 25th day of September, 1985

James R. K. [Signature]
Notary Public in and for the State of Washington,
Residing at [Address]

8508160171

TO CLEAR TITLE ONLY

QUIT-CLAIM DEED
(Statutory Form)

THE GRANTOR() CLYDE RAY SPENCER
 of 17681 Lucia Falls Road, City of Yacolt
 County of Clark, Washington, for and in consideration of
love and Affection and to clear title
 convey and quit-claims to SHIRLEY SPENCER as her separate estate
of 17681 Lucia Falls Road
 in the City of Yacolt, County of Clark, State of Washington
 all interest in the following described Real Estate:

See Exhibit "A" attached hereto and incorporated
 herein by this reference

257678 8-16-85

Disuilly

situated in the County of Clark, State of Washington.
15th day of March, 1985.

Clyde Ray Spencer
 Grantor(s)

333

STATE OF WASHINGTON.

County of Clark

ss. (Individual Acknowledgment)

Monica A. Landrum, Notary Public in and for the State of Washington,
 do hereby certify, that on this 15th day of March, 1985, personally

appeared before me Clyde Ray Spencer
 to me known to be the individual described in and who executed the within instrument and
 acknowledged that he signed the same as his free and voluntary act
 and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 15th day of March
 1985.

Monica A. Landrum
 Notary Public in and for the State of Washington, residing at Vancouver in said County.

EXHIBIT "A"

Beginning at a point in the center of the Vancouver-Yacolt Road at the intersection of said County Road and the East line of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, in Clark County, Washington; thence thence Easterly 75 feet, more or less, along said County Road; thence South to the North bank of the East Fork of the Lewis River; thence Westerly along the North bank of said river 75 feet, more or less; thence North to the point of beginning; said tract to be 75 feet wide East and West.

ALSO, beginning at a point in the center of the County Road which is 75 feet East of the center line of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian; thence South to the North bank of the East Fork of the Lewis River; thence Easterly 25 feet, more or less, along the North Bank of said river; thence North to the center of the County Road; thence West to the point of beginning. Said tract to be 25 feet wide at any point.

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EXCEPT County Roads.

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FILED FOR RECORD
CLARK CO. WASH

AUG 16 4 04 PM '85

AUDITOR
DAVID HICHERER

EXHIBIT WW

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CLYDE RAY SPENCER,

Petitioner,

vs.

JOSEPH KLAUSER, Warden,
Idaho State Institution,

Respondent.

No. C94-5238 RJB

DEPOSITION UPON ORAL EXAMINATION

OF

SHIRLEY J. SPENCER

DATE TAKEN: June 4, 1996

COPY

TIME: 1:00 p.m.

PLACE: 1104 Main Street, M-110
Vancouver, Washington

COURT REPORTER: CINDY J. HOLLEY, CSR

RIDER & ASSOCIATES
COURT REPORTERS
P.O. Box 245
Vancouver, Washington 98666

1 Q. What's Matt's date of birth?

2 A. It's February 20th of 1980.

3 Q. Does Matt have a social security number?

4 A. Yes, he does.

5 Q. Do you know that? I'm looking at a social security
6 card for Matthew A. Hansen and the number is 531-11-7464.

7 Thank you.

8 Miss Spencer, back in late 1984 and the first part of
9 1985, do you recall that Mr. Spencer had been charged with
10 sexual abuse here in Clark County?

11 A. Yes, I know.

12 Q. And as a part of the investigation was your son Matt
13 interviewed by Clark County Sheriff's office personnel?

14 A. Yes, he was.

15 Q. Do you recall who interviewed your son?

16 A. Sharon Krause, Mike Davidson.

17 Q. As a part of the investigation concerning Mr. Spencer,
18 were you referred to take Matt to a doctor or to a clinic for
19 an examination?

20 A. Yes, I was, if you're talking physical.

21 Q. Yes.

22 A. Yes.

23 Q. Who referred you for this examination?

24 A. Who told me to go, Sharon Krause.

25 Q. And do you recall where it was that you took Matt?

1 A. I don't remember discussing it.

2 Q. Do you recall having a discussion with Sergeant
3 Davidson about the results of Matt's examination?

4 A. Now we're talking 12 years ago, I don't remember.

5 Q. Do you recall explaining to my investigator and I that
6 you did have a discussion with Sergeant Davidson and he told
7 you that the fact that the doctor didn't find anything didn't
8 mean that Matt wasn't abused?

9 A. No, I don't remember that.

10 Q. In fact, is that what Sergeant Davidson told you?

11 A. I don't remember that he told me that, no.

12 Q. Did you discuss with either Sergeant Davidson or
13 Detective Krause the fact that Matt had been examined?

14 A. I'm sure I did because they told me to go.

15 Q. Do you remember signing any kind of a release or a
16 waiver for the Clark County Sheriff's office to allow them to
17 get Matt's medical records?

18 A. I don't remember it, but I probably would have if
19 they'd asked me to, but I don't remember it.

20 Q. Well, let me clarify what you have told us, okay.

21 You were referred by you believe Sharon Krause to go
22 to have Matt physically examined; is that correct?

23 A. Yes.

24 Q. And the purpose of the examination was to look for any
25 evidence of sex abuse?

CERTIFICATE

STATE OF WASHINGTON)
COUNTY OF LEWIS) ss.

I, Cindy J. Holley, a Notary Public for Washington, certify that the deposition of SHIRLEY J. SPENCER here occurred at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and the foregoing transcript, pages 1 to 18 both inclusive, contains a full, true and correct record of all such testimony adduced and oral proceedings had and of the whole thereof.

I further advise you that as a matter of firm policy, the Stenographic notes of this transcript will be destroyed two years from the date appearing on this Certificate unless notice is received otherwise from any party or counsel hereto on or before said date;

Witness my hand and notarial seal at Mossyrock, Washington, this 10th day of June 1996.

Cindy J. Holley, CSR #HOLLECJ399P5
Notary Public for Washington
My commission expires: 11-9-96

EXHIBIT XX

Redrafted Declaration of Kathleen T. Zellner
In Support of Plaintiff's Redrafted Responses to
Defendants' Renewed/Second Motions for Summary Judgment
(C11-5424BHS)

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON
IN AND FOR THE COUNTY OF CHIEF

JCTON

STATE OF WASHINGTON

VS

MOR. RELEASE AGREEMENT

Case No.

Clyde Spence

YOU ARE HEREBY RELEASED ON THE CONDITIONS INDICATED BELOW:

☒ PERSONAL
RECOGNIZANCE
699-2436YOUR PERSONAL RECOGNIZANCE,
on your promise to appear at
all scheduled hearings, trials,
or otherwise as required by
the Court. During release,
you are to abide by the follow-
ing conditions:☐ SUPERVISED
RELEASE
699-2436YOU ARE RELEASED ON CONDITIONAL
SUPERVISION. You hereby agree
to be placed in the custody of
the Supervised Release Officer
and abide by any conditions or
agreements as listed below:703 West 15th Street
Vancouver, Washington

- ☒ You are to obey all laws.
- ☒ You are to obtain and/or maintain full-time employment.
- ☒ You are to have no contact whatsoever with victim(s).
- ☒ You are to keep in touch with your attorney.
- ☒ Your travel is restricted to CLATSOP COUNTY.
- ☒ You are not to possess or use alcoholic beverages or drugs.
- ☒ You are not to possess or use firearms.
- ☒ You are to contact (in person, by phone) every Wednesday, between 240pm at 699-2436, 703 West 15th Street.

YOU ARE
TO LIVE:

At:

17681

Address

Telephone

Which:

Name and Relationship to Defendant

And: Not move without first obtaining permission of the Court.

GENERAL CONDITIONS: I do hereby agree that I shall appear at all times and places as ordered by the Court. Further, I shall appear for trial, and, if convicted, appear for judgment and execution of judgment. I will obey all Orders of the Court and comply with any conditions the Court may impose, including but not limited to those listed above.

I understand that if I violate any condition of this release agreement, I may be immediately arrested and then detained pending trial.

FAILURE TO APPEAR: Should you be released under this agreement, with the requirement of a subsequent personal appearance before this or any other Court of the State of Washington, and should you knowingly fail to appear without lawful excuse, you may be charged with the crime of bail jumping. Bail jumping, committed by an individual charged with a felony, is punishable by imprisonment not to exceed 10 years, by a fine not to exceed \$10,000 or both. 9A.76.170

For information concerning this release, call: Release or Recognizance 699-2436
Supervised Release 699-2436

I understand that I am liable for those penalties as prescribed by law for willful failure to appear or for violation of any condition of this agreement upon which I am released. If I am apprehended outside the State of Washington, I hereby waive extradition.

J. Rulli
WitnessAttorney
Title[Signature]
Signature of Defendant

If a criminal complaint or information is filed against you on or before 19____, this agreement continues in effect until your case is concluded. If no criminal complaint or information is filed by such date, this agreement will then terminate and, as of that date, you are released from any requirements or responsibilities imposed by it.

SO ORDERED: This 2 day of January, 1985

Judge/Recognizance Officer

YOUR NEXT COURT DATE IS:

1-11-85

Date

1:30

Time

#3 Lodge

Court: 1200 Franklin Street

Distribution: White, Court File; Canary, BDR; Pink, Defendant; Goldcard, Jail; Green, P.A.

Spencer-00860

EXHIBIT YY

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON
UTILITY REPORT

CASE #84-B506
SUPPLEMENTAL RPT

STATUTORY RAPE I, RCW 9A.44.070

LOCATION OF INCIDENT: 17681 NE Lucia Falls Road
Yacolt, Washington

DATE OF INCIDENT: Between 07-14-84 and 08-26-84

DATE & TIME: 10-02-84 10:00 AM

LOCATION: CCSO, Investigation Unit

INCIDENT: Suspect/Witness Interview

PERSON INTERVIEWED: STONE, Karen Sue dob: 03-27-44
8811 NE 80th Street
Vancouver, Washington phone: 892-6676
Employed:
Industrial Pump Sales Co.
1202 W. Fourth Plain
Vancouver, Washington phone: 699-4676

VICTIM: SPENCER, Kathryn E. dob: 01-13-79
3909 Becerra Way
Sacramento, California phone: (916) 482-6057

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48
aka: Ray SPENCER
17681 NE Lucia Falls Road
Yacolt, Washington phone: 687-1407

CCSO Case #84-B506, S.A. KRAUSE, K-43

page 1 of 7

Spencer-00427

SUMMARY:

On 08-30-84 Deputy R. STEPHENSON with the Clark County Sheriff's Office did an initial investigation regarding allegations of sexual abuse involving the above listed suspect and his daughter, Kathryn SPENCER. The information in Deputy STEPHENSON'S report indicated that in addition to Kathryn SPENCER naming her father as a suspect, Kathryn also indicated that there was an occasion when she had had some type of sexual contact with an ex-girl friend of Mr. SPENCER named Karen STONE during a visitation with her father in Vancouver. Based on that information I made phone contact with Karen STONE on October 1, 1984 and made arrangements with her to meet with me the following afternoon.

The interview with Karen STONE was done in the investigative unit of the Clark County Sheriff's Office with only Karen STONE and I present. During the initial part of our conversation STONE indicated that she first either met or began living with SPENCER about Christmas of 1979. She indicated that she met him "right after he started working for Vancouver Police" and also that his wife at that time, Deanne SPENCER, was still in California.

She indicated the first time she was with SPENCER'S children, Kathryn and Matt SPENCER, was during spring break in 1980 when Ray SPENCER went to get them for visitation. She also advised that the children stayed with them during the summer of 1981. When I indicated to Karen STONE that Kathryn had made some statement about Karen touching the genital area of her (Kathryn) body, Karen STONE advised that "she had." She then indicated that when the children arrived for summer visitation in 1981 Kathryn had a sore apparently on the labium which necessitated Karen applying medication to it. She advised me that Ray was upset about the sore and had called "Family Court or something because of it."

STONE also advised when the children visited in December of 1981 they had "lice." She indicated that "Ray was always very protective of his children." During the conversation with STONE several times she indicated she "could just not believe that Ray would ever do anything like that because he was so sweet and he cared so much about his children."

She advised that during the first summer, 1980, when Ray had his children for visitation Ray was working swing shift. She stated, "He just wouldn't have had time to do anything like that."

STONE advised me that during the time SPENCER'S children visited them when she and Ray SPENCER were living together "the children always wanted to sleep with their dad." She advised that they didn't always do that; however, there were a number of times when they would get in bed with Ray and Karen.

During the time I talked with STONE she made several negative statements regarding Deanne SPENCER and when she knew of her, specifically that there was a time during the first Christmas that they had the children and had returned to California that "their mother made them exchange the kids in a snowy parking lot," that when Deanne SPENCER picked the children up during the last summer STONE and Ray SPENCER were together Deanne SPENCER wouldn't "even hug her children because she said she was too hot and tired," that Deanne SPENCER was a "very vindictive woman," and that "the SPENCER children were always very dirty and unkempt when they came to visit."

STONE advised that the last summer she was living with Ray SPENCER and the children were visiting, "The kids were crying when they left and Matt didn't want to go with his mother. He wanted to live with his father."

STONE advised me that "Matt was very defensive of his father and mother because he loved both parents." She then stated, "When Deanne left Ray she just packed up and left with the kids and another man. I guess he was a child psychologist or something like that."

STONE advised that when Deanne SPENCER moved up here shortly after Ray SPENCER went to work for Vancouver Police "Deanne and Ray went back together or something so he did not see Karen STONE for a period of time." She advised that the SPENCERS then filed for divorce and separated. STONE stated to me, "She (Deanne SPENCER) had already shipped Matthew off and she told Ray he could either go through the boxes of property or have his daughter, and Ray told her he wanted Kathryn, so Deanne SPENCER left Kathryn, who was a baby, with Ray and she left for California." STONE also stated, "The reason they got a divorce was that she (Deanne) didn't like Ray being a cop." She advised me again that "Ray's ex-wife was very vindictive and tried to make his life miserable."

Karen STONE then advised me that Deanne SPENCER was never negative towards her, but Ray talked about how Deanne treated him during the time they were married.

I asked Karen STONE about her sexual involvement with SPENCER reference the allegations that Kathryn had made, and she advised that their sexual relationship was "very basic and normal." She indicated that she never saw Ray have any kind of pornographic literature. She advised that he never talked "weird." I asked her about the possibility that SPENCER might masturbate and she indicated that she did not believe he did, nor did he talk about it.

Karen STONE indicated that Ray was "always a very courteous and loving person" during the time she knew him. She indicated that he always called her if he was going to be late and that he "never went out and stayed late during the time he was with her."

I asked STONE what she knew of Ray SPENCER'S background, and she indicated that he had mentioned his mother died when he was a teenager, that he had two sisters, and that he raised himself after sixteen years of age. STONE indicated that SPENCER was never physical with her in any way and indicated again that he was "always very courteous."

STONE indicated that she and SPENCER broke up in about October or November of 1982 and at that time they quit living together. She indicated that the last time she saw him was possibly in March or April "just prior to him getting married in July." She advised that the last time she saw SPENCER he wanted her to go to California with him to see his children and she declined.

Reference STONE'S observations about Kathryn SPENCER, she indicated that "Kathryn was a very demanding child." When I asked her if she could be more specific she indicated that Kathryn would "want her way and would attempt to dominate her father's attention." STONE also stated to me, "Kathryn was a very sexual little girl." She talked again about the sore on Kathryn's labium during the visitation which prevented Kathryn from wearing panties.

I asked STONE if she ever heard SPENCER refer to Kathryn as "baby girl" and she indicated that they both called Kathryn that.

During much of the time I talked with Kathryn STONE she talked about unrelated topics. She continued to deny that there was every any reason for her to suspicion Ray SPENCER was having any type of sexual contact with Kathryn SPENCER or any other children. She indicated that she had daughters

and that both of her daughters "loved Ray to pieces because he's such a sweet person." There were several times during my conversation with her that she talked about how "kind and cute Ray SPENCER was."

Prior to terminating the conversation with Karen STONE, I asked her if she would be willing to take a polygraph regarding the statement that Kathryn SPENCER had made indicating that there may have been some sexual contact between Karen STONE and Kathryn. STONE indicated that she really did not want to take a polygraph; however, she would be willing to do that, and expressed concern about Kathryn's well being.

On 10-09-84 I made phone contact with Karen STONE at her place of employment reference the polygraph examination. Prior to calling her I spoke to Dr. Stan ABRAMS reference when he would have time available to administer the polygraph examination. I provided STONE with the dates Dr. ABRAMS had given me and she indicated that she would call me back.

At approximately 1545 hours that same day STONE called back and indicated she would be willing to take the polygraph on October 16, 1984 at 1730 hours. I advised STONE that Dr. ABRAMS would meet with her at the Sheriff's Office.

During the week of October 15th I was in Sacramento, California continuing this investigation. During one of my conversations with Detective Sgt. Mike DAVIDSON he indicated that based on information he had obtained from Vancouver Police it appeared that Ray SPENCER had had some contact with Karen STONE. Detective Sgt. DAVIDSON also advised me that there was a mix-up regarding the scheduled polygraph, specifically that I had told STONE to meet Dr. ABRAMS at the Sheriff's Office and he understood that she would be coming to his office; therefore, the polygraph examination was not administered.

After I had returned from Sacramento, on October 31, 1984 at approximately 11:10 AM I made phone contact with Karen STONE at her place of employment. When I initially made contact with her, she was immediately very curt and defensive. She advised me that she was "really too busy to talk." She confronted me about why "I had called and ruined her day." I asked her if it would be more convenient for her to call me back and she indicated that she "couldn't call me back because the president of the company was down all week and she would not have time." STONE confronted me again, stating that she

"didn't know about the polygraph, that she was very unhappy about the way things were being handled, that it made her upset just to think about a polygraph." I indicated to STONE that it was our intention to expedite this matter and clear it up as soon as possible, and STONE immediately stated, "You mean you haven't cleared Ray yet? I don't understand how you can do this to him. What is taking you so long? Why are you making him suffer like this? The man is in agony." STONE then let me know that she was too busy to talk and I asked if she could get back to me and the conversation was abruptly terminated.

On 11-07-84 at approximately 4:45 PM I made phone contact with Karen STONE again, at her residence reference a polygraph and she immediately advised me she was too sick to talk and terminated the conversation.

On 11-16-84 at approximately 9:45 AM until 10:15 AM I made phone contact again with Karen STONE and at that time she did not appear to be so confrontive; however, she was somewhat evasive. She indicated she was feeling better; however, she would not be available to talk with me or to take a polygraph because she was going to be away for the Thanksgiving holiday and she did not want me to ruin the holiday. She also stated to me that she "felt awful that someone was not doing something to help Kathryn and that Ray has to go through all this." She also stated that she "did not understand what was taking me so long and why we were doing this to Ray." I advised Karen STONE that I did not want to upset her for the holidays and that if it were convenient she could call me when she got back, or I would attempt to call her at a later time.

On 11-30-84 at approximately 12:00 noon I received a phone call from Dr. ABRAMS and at that time he indicated that he had some time available if I wanted to reschedule the polygraph for STONE. I made phone contact with Karen STONE and she indicated that she was not willing to "give up a Saturday for this" and advised she would have to call me back about another available time which was on a Monday evening.

On 12-03-84 I made another phone contact with STONE at her place of employment. During that conversation she was not confrontive and indicated to me that she "really didn't want to do this" (the polygraph). She asked if it was really necessary and advised me that it has been bothering her a lot. She stated, "It's got me so depressed; I'm not avoiding you, I just don't

want to do it unless it is absolutely necessary." I advised STONE that I would talk with the Prosecutor and call her back.

After that conversation I did meet with the Prosecutor and it was agreed that at this time it was not necessary, based on the fact that Karen STONE had denied any type of sexual contact; and further that that was corroborated by Kathryn SPENCER during the time I spent with her, when Kathryn indicated that she had lied about Karen STONE. Based on the statements made by STONE and Kathryn SPENCER, and also other information that has developed in this investigation, any investigation regarding Karen STONE as a suspect will be suspended as unfounded.